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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,653	01/10/2000	HIDETOSHI WADA	35.C14165	3352

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EXAMINER

VENT, JAMIE J

ART UNIT PAPER NUMBER

2616

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/479,653

Applicant(s)

WADA ET AL.

Examiner

Jamie Vent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Squilla et al (US 6,396,537).

[claims 22, 23, 25, 26, 30, 31, 32, and 33]

In regard to Claims 22, 23, 25, 26, 30, 31, 32, and 33, Squilla et al discloses an image capture apparatus that communicates with a recording apparatus using a wireless communication unit, the image capture apparatus comprising:

- image capture unit adapted to capture a digital image (Figure 2 shows an image capturing system which comprises a digital camera 24 which acts as a capturing unit as described in Column 4 Lines 3-44);
- recording unit adapted to record the digital image captured by the image capture unit on a recording medium (Figure 2 the image is recorded onto the memory 48 for temporary storage before transmission to permanent storage in a memory of a computer, a CD, printed pictures, etc, as described in Column 5 Lines 5-17);
- image capture apparatus has an operation mode of automatically transmitting a digital image which is not recorded in the recording apparatus to the recording apparatus and determining whether or not to avoid reproducing a digital image

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which is already recorded in the recording apparatus from the recording medium (Column 4 Lines 16+ transmitting of images and Column 4 Lines 55 automatically transmitting of images from camera to the CPU while camera is in the communicating range of the image spot and as further seen in Figure 4 it is determined if the content is desired and further determining whether or not to record the image as stated in Column 8 Lines 39-56);

- image capture apparatus communicates with a recording apparatus using a wireless communication unit (Figure 2 element 20 and 82 allows wireless communication between the camera 24, CPU 10, and server 70); and
- Determining whether or not to avoid reproducing a digital image which is already recorded in the recording apparatus from the recording medium (Figure 6 shows the operation mode of recording unit when the pictures are received in step 140 (film for cameras are dropped off or are previously transmitted via wireless transmission) the film processor connects to the image server which judges whether to skip or delete a reproduction if the picture does not fit the desired content from the personality file, step 144 or 150. Another operation mode step 146 also provides the user the opportunity to decide whether the pictures are to be deleted or skipped before purchasing by comparison of pictures taken with database needs as further described in Column 8 Lines 1-56).

[claims 24, 27, 28, 29]

In regard to Claims 24, 27, 28, and 29, Squilla et al discloses the image communication apparatus includes a camera (Figure 1 Element 24 and further described in Column 4 Line 4).

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Conclusion

2. The prior art made of record and not relied upon are considered pertinent to applicant's disclosure. The IDS references and the following is considered of significant interest to the application:

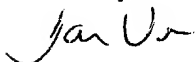
- Wakui (6262767);
- Brusewitz et al (6038257) .

Contact Information

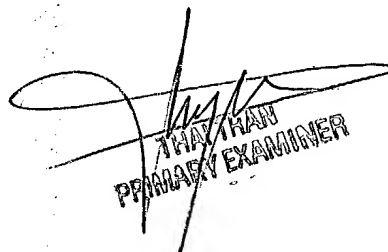
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 703-305-0378. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Thai Tran can be reached on 703-305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamie Vent
09/13/2004


THAI TRAN
PRIMARY EXAMINER